



Planning Board Meeting
July 21, 2009

Those present at the July 21, 2009 Planning Board meeting were:

Planning Board: S. Bulger, Chairman, M. Hale, J. Koval, E. Ophardt,
T. Werner
T. Deleonardis – Alternate

Those absent were: S. Pace, K. Paulsen

Those also present were: J. Scavo, Director of Planning;
J. Grasso, CHA Companies;
M. Montague, Environmental Specialist;
P. Pelagalli, Counsel;
J. Dean, Secretary

Mr. Bulger, Chairman, called the meeting to order at 7:00p.m. All in attendance stood for recitation of the Pledge of Allegiance.

Mr. Bulger explained that Mr. Deleonardis would be sitting in for Ms. Paulsen at this evening's meeting.

Public Hearings:

There were no public hearings scheduled for this evening's meeting.

Old Business:

[2005-011] **Abele Builders** – Proposed (21) lot subdivision, 1562 Crescent Road – Preliminary review and possible determination from public hearing held on February 24, 2009. SBL: 284.-2-1

Mr. Tom Andress, consultant for the applicant, presented this subdivision application for the Board's consideration, explaining that this application has been reviewed by the Board on several different occasions since its submission in 2005. The Planning Board issued a negative declaration pursuant to SEQRA and granted

preliminary approval on April 22, 2008. The project proposal calls for the installation of a new town road west of the Crescent – Southbury Road intersection and a combined driveway to serve four new homes. Mr. Andress described the site as having a number of pockets of wetlands and undulating topography. Residences will be constructed on the upland areas. Storm water will be managed by an infiltration system along the roadway. Grinder pumps will be installed and connection will be made to the Saratoga County Sewer District line along Crescent Road. Water will be supplied by the Clifton Park Water Authority. A small archeologically sensitive area identified in the northeastern portion of the site will be protected by deed restriction. The applicant proposes the dedication of a strip of land behind the existing homes bordering Southbury Road that was to be developed as a trail connection.

Mr. Bulger commented that although the parcel slated for development has many characteristics that make development difficult, the applicant has worked with the Town to create a viable subdivision. Drainage and the proposed management of storm water remain the major issues of concern.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments in a memo dated June 8, 2009. It appears that, for the second time, ABD Engineers, consultants for the applicant, have gone directly to NYSDEC for a stormwater permit rather than through the Town. As a result it shall be clearly noted that NYSDEC is the enforcement authority for violations of the Stormwater Pollution and Prevention Plan and not the Town. It is my understanding that the Town Highway Department is aware of this project and the maintenance system (dry swales). Written confirmation from the Highway Department should be included with the plan. The original version of the MS4 acceptance form (not the current version) direct from NYSDEC is included with the final submission: Mr. Myers will not review the plan since NYSDEC has already granted the permit.

Mr. Scavo reported that the applicant has satisfactorily addressed all issues regarding the multi-use pathway. He stated that Mr. Bill Lupo, NYSDEC representative, has reported that he has not yet had the opportunity to review the proposed storm water management plan though it was received by his office several weeks ago. Mr. Scavo recommended that the applicant provide identifying signage and protective measures around the archeologically sensitive area of the site. The applicant must provide a set of deed restrictions to each homeowner that includes information regarding the installation and maintenance of dry wells installed on the properties. Though the Board discussed several options for ensuring the on-going maintenance responsibilities associated with the proposed dry wells, Mr. Grasso did not support the recommendation that homeowners be required to provide the certification by a licensed professional on a regular basis. He noted that the Director of Building and Development, as enforcement official of the Stormwater Pollution Prevention Plan would have the power to “force homeowners to correct problems” which may result from inadequate maintenance. Mr. Bulger recommended that the maintenance responsibilities be included in individual property deeds.

Although no formal comment letter was prepared by CHA Companies, Mr. Grasso explained that the drainage system design plans and calculations provided by the applicant's consultant does not comply with the requirements and standards approved by the NYSDEC. The speaker explained that even though adherence to storm water management regulations is now enforced by the Town, NYSDEC should provide comment and recommendation on the proposal. Mr. Grasso also noted that the management plan is linked to the issue of long-term maintenance that will become the Town's responsibility: he recommends that a sign-off from the Highway Superintendent be required.

Mr. Montague, Environmental Specialist, reported that, in consideration of NYSDEC's pending review of the stormwater management plan, the ECC issued the following recommendations. The stormwater plan should identify maintenance responsibilities associated with the individual dry wells. The 50 foot rear setback and/or the 40 foot side setback on Lots #1, 5, 8, and 10 appear to be touching or intruding on impervious surfaces. Green infrastructure solutions should be specifically identified and included as part of the stormwater management plan. The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized. Existing vegetation should be preserved in areas where such growth enhances erosion control. The ECC notes that the project includes extensive paving adjacent to, or in the vicinity of federal wetlands. The ECC recommends that the Planning Board require the applicant to incorporate sediment traps and oil water separators with appropriate capacity to limit the migration of vehicular contaminants into these sensitive environments.

Mr. Dan Hartnet, 32 Southbury Road, questioned whether or not the school district would provide bus service to those residing on the private drive. Mr. Andress stated that it was his understanding that the students residing in the homes served by the private drive would be served by buses traveling along Crescent Road. In response to Mr. Hartnet's question regarding the preservation of trees along Crescent Road, Mr. Andress explained that the vegetation would be protected by deed restriction and designated preservation areas. The speaker commented that there are existing "water issues everywhere" in the adjoining Crescent Estates South subdivision and he speculated that development may result in "water running down Southbury Road". Mr. Abele explained that the project design was defined with input from Town officials and engineering consultants: the project will not result in negative impacts to existing property owners.

Ms. Audrey Sickles, 18 Southbury Road, requested details regarding the proposed dry wells to be installed and information concerning the direction of water flow across the site. Mr. Andress explained that the dry wells are used to control water from the proposed buildings. He described the water flow on the parcel as moving from east to west. Ms. Sickles reported that the home located at 16 Southbury Road had recently been damaged by 2" of water that penetrated basement walls: she was fearful that the additional run-off produced by this development would result in increased water

problems for existing residents. Mr. Andress stated that the project was being developed in accordance with all NYSDEC requirements.

In response to Mr. Werner's question regarding the adequacy of sight distances along Crescent Road at the proposed new town road, Mr. Andress explained that the distances exceeded recommended standards. Mr. Ophardt questioned the viability of the proposed "non-standard" design for the control of water run-off. Mr. Grasso explained that the proposed storm water management plan directs water to existing drainage corridors. Mr. Kukuk, Highway Superintendent, will be required to approve the plan since long-term maintenance of the system by the Town will be necessary.

Ms. Sickles requested information regarding winter plowing of the development area. Mr. Andress explained that the Town will be responsible for clearing snow from the proposed new road upon its conveyance to the Town: homeowners residing on the private drive would be responsible for snow removal and maintenance of the combined access route.

Mr. Bulger provided a brief summary of the Board's discussion, explaining that although the Board found the subdivision proposal generally acceptable, the two issues of concern involved a sign-off from NYSDEC on the proposed storm water management design and a letter from Mr. Kukuk, Highway Superintendent, indicating his acceptance of the responsibility for long-term maintenance of the roadway and associated drainage systems. Mr. Bulger stated that the public hearing for this application was closed on February 24, 2009. A negative declaration pursuant to SEQRA was issued and preliminary subdivision approval was granted on April 22, 2008.

Mr. Bulger offered Resolution #9, seconded by Mr. Koval to grant final subdivision approval to this subdivision plan conditioned upon satisfaction of the comments offered by the Planning Department and CHA Companies, a sign-off from NYSDEC on the proposed storm water management design, and a letter from Mr. Kukuk, Highway Superintendent, indicating his acceptance of the responsibility for long-term maintenance of the roadway and associated drainage systems. Ayes: Ophardt, Deleonardis, Hale, Werner, Koval, Bulger. Noes: None.

New Business:

[2009-017] **1 Fairchild Square, Inc.** – Proposed (3) lot subdivision, One Fairchild Square, Conceptual review. SBL: 259.-2-83

Mr. Tom Andress, consultant for the applicant, presented this application for the Board's consideration, explaining that the applicant, Mark Rekucki, has presented a number of proposals for redevelopment and additional site development of this parcel during the past three years. Applications have ranged from the redesign of specific parking areas to a comprehensive development plan for the 16.25 acre parcel. Mr. Andress explained that due to difficult economic times, previous plans have not been completed. The property, located on the southern side of Ushers Road west of its

intersection with VanPatten Drive is situated within the L1 (Light Industrial) zone and has frontage on both Ushers Road and VanPatten Drive. For financial reasons, Mr. Rekucki, applicant, requests approval of a three (3) lot subdivision to create lots of 1.4 acres, 1.66 acres, and 13.19 acres, respectively. The largest parcel would contain all existing site improvements. The applicant anticipates the construction of a 7,000 SF office/warehouse facility on the smallest lot and a 20,000 SF office/warehouse facility on the 1.66 acre lot. The consultant stated that no tractor trailer access to the 7,000 SF building will be required and that the building would be "residential in character". Though the larger building would have a more industrial look, its size would be significantly minimized by existing embankment and a substantial vegetated buffer along Ushers Road. Mr. Andress explained that this "first phase" of development has been designed to accommodate future development "without restricting the many options that have been considered." Truck traffic would be directed to utilize VanPatten Drive. The adjoining Nowicki property could be incorporated in future development plans. Though conceptual site plans, including a site statistics table and parking lot lay-outs, have been included with the subdivision application submission, a number of variances must be approved by the Zoning Board of Appeals prior to the Planning Board's site plan review. The lots would be served by connection to the existing on-site water and sewer systems.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comments regarding this application in a memo dated July 8, 2009. Land disturbance extends outside the limits of proposed new Lots A and B. A Stormwater Pollution Prevention Plan will be required for both lots.

Mr. Scavo offered the following comments prepared by the Planning Department. It appears that storm water is adequately maintained and that there is sufficient capacity for the existing management area to handle additional flows from the proposed development. The speaker recommends that an adequate buffer be maintained between the development and existing residences to the west.

Mr. Scavo reported that Mr. Bill Mackesey, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, recommended that the Board request that both lots have connecting pathways to the multi-use pathway along Ushers Road.

Mr. Grasso reported that CHA Companies reviewed the subdivision application and offered the following comments. The proposed project appears to be an "Unlisted" action pursuant to SEQRA, and as such, coordinated review is optional. The Clifton Park Planning Board should be the lead agency with subdivision approval and site plan approval proceeding concurrently. Within the LI - Light Industrial zone parking is restricted within 25 feet of side and rear property lines. These setbacks won't be met with the proposed subdivision. As such, setback variances may be required and the Clifton Park Zoning Board may also be an involved agency. This should be confirmed by the Code Enforcement Officer. A revised Full Environmental Assessment Form should be provided representing the project as currently proposed. Common access through the various parcels are instrumental in access management and directing much of the traffic towards the Van Patten Drive entrance as identified in many of our previous comment letters involving this property. There are no ingress/egress easements depicted.

If they are not provided continuously through the various parcels, CHA Companies does not support the concept plan as presented. Although the plan is consistent with previously proposed site plans, the extent of vegetative clearing along Ushers Road is of serious concern. The current plan will result in removal of a significant existing buffer in this area and the grading and clearing limits will likely be critical to the preservation of important existing trees. Consistent with what was previously provided for another commercial site along Van Patten Drive and as required in the Town Code, CHA supports the identification of any trees over 12" in diameter at breast height (d.b.h.) within the buffer and setback areas. A Stormwater Pollution Prevention Plan and Stormwater Management report should be prepared. Although the stormwater management area is depicted as temporary, the design should meet the requirements of the NYSDEC Stormwater Design Manual as it is unclear how long the basin will be operational. The grading of the temporary sediment basins should be depicted on the preliminary erosion and sediment control plan. The application should clarify if the proposed buildings will have the appearance as previously presented in former site plan applications.

Mr. Grasso recommended that the applicant provide a visual depiction of the proposed development from Ushers Road to enable Board members to determine if the development will result in negative visual impacts.

Mr. Montague, Environmental Specialist, reported that, after review of the application, the ECC provided the following comments. In keeping with the recommendations and goals of the Town Comprehensive Plan, the applicant is encouraged to consider retaining existing vegetation to the maximum extent practical and/or the use of landscaping and grading to provide visual and auditory buffering between the project and adjacent roadways or other properties. Per section 208-64 A (3) of the Town Code, the proposed project should include a tree inventory in each proposed subdivided lot to ensure that at least fifty percent (50%) of trees, six inches (6") or more in diameter are preserved.

Mr. Werner asked if the applicant proposes any realignment of the exiting access from Ushers Road. Mr. Address stated that the Ushers Road access is considered a "secondary entrance" and that no changes are proposed. In response to Mr. Werner's question regarding proposed uses for the site, Mr. Address explained that no retail uses are proposed. The applicant seeks "hi-tech" companies as tenants. Though Mr. Ophardt recalled Board discussions regarding the restrictions of turning movements at the Ushers Road access to rights-in and rights-out only, Mr. Address reported that there are no plans to restrict traffic movements at this time. He noted that all traffic would be encouraged to use the VanPatten Drive entrance. Mr. Koval commented that it seemed likely that the larger building would require significant disturbance of the existing buffer area. Mr. Address explained that the building would be located approximately 40' from the existing multi-use trail, 70' from Ushers Road, and would "sit lower" than the existing berm. Mr. Address agreed to the planting of additional evergreens within the buffer area should such a condition be imposed by the Board. Board members found the subdivision plan generally acceptable.

Minutes Approval:

Mr. Bulger moved, seconded by Mr. Werner, approval of the minutes of the meeting of June 23, 2009 as written. The motion was unanimously carried.

Mr. Bulger moved, seconded by Mr. Koval, adjournment of the meeting at 8:35p.m. The motion was unanimously carried. The next meeting will be held as scheduled on August 11, 2009.

Respectfully submitted,

Janis L. Dean

cc: Planning Board Members, Planning Department, Clough, Harbour, and Associates, Supervisor, Town Administrator, Assessor, Zoning Board, Department of Building and Development, Town Clerk, Town Board Members, Highway Superintendent, Lou Renzi, Town Attorney, Tom McCarthy, Town Attorney, Paul Pelagalli, Town Attorney, ECC, Clifton Park Water Authority

Resolution #9**Final Approval**

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on July 21, 2009 there were:

Present: S. Bulger, Chairman, M. Hale, J. Koval, E. Ophardt, T. Werner
T. Deleonardis (alternate)

Absent: S. Pace, K. Paulsen

Mr. Bulger offered Resolution #9, and Mr. Koval seconded, and

Whereas, an application has been made to this Board by Abele Builders, Inc. for approval of a subdivision plat entitled 21-Lot Subdivision, 1562 Crescent Road, Lands of Abele consisting of (21) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on April 24, 2007 and reconvened on February 24, 2009;

Whereas, the Planning Board established itself as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on April 22, 2008;

Whereas, the Planning Board granted preliminary subdivision approval for this application on April 22, 2008;

Whereas, it appears to be in the best interest of the Town that said application be approved;

Now, therefore, be it resolved that the final hearing is waived and that the subdivision plat entitled Subdivision of the Subdivision of the Lands of Abele Builders consisting of (21) lots is hereby granted final subdivision approval conditioned upon satisfaction of the comments offered by the Planning Department, CHA Companies, a sign-off from NYSDEC on the proposed storm water management design, and a letter from Mr. Kukuk, Highway Superintendent, indicating his acceptance of the responsibility for long-term maintenance of the roadway and associated drainage systems.

Resolution #9 passed 7/21/2009

Ayes: Ophardt, Deleonardis, Koval, Hale, Werner, Bulger

Noes: None

Steven J. Bulger,
Chairman

